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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,908	04/06/2001	Nicolas Voyer	205699US2	6511

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EXAMINER

CHO, UN C

ART UNIT PAPER NUMBER

2687

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,908

Applicant(s)

VOYER, NICOLAS

Examiner

Un C. Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,9,12,16,20,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 2-4,6-8,10,11,13-15,17-19,21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, 9, 12, 16, 20, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cedervall et al. (US 6,671,514) in view of Conner (US 6,597,681 B1).

Regarding claim 1, Cedervall discloses a method of determining the position of a mobile station in a mobile telecommunication network, the said network including a plurality of base stations (Fig. 2, 12, 12A and 12B) designed to adopt at least on the one hand a state corresponding to periods of transmission of signals useful to said mobile station for determining the said

position, and on the other hand a state corresponding to periods of silence during which no signal is transmitted, comprising: arranging said periods of transmission and the said periods of silence in cycles including at least one period of silence (period of transmission of signal to locate the position of the mobile station and period of silence or turning off the BTS for a short period of time so that the mobile station that is located close to a BTS is able to listen to a more distant BTS transmission; Cedervall, Col. 5, line 59 through Col. 6, line 4, Col. 6, lines 44 – 67 and Col. 7, lines 36 – 44).

However, Cedervall as applied above does not specifically disclose wherein a cycle allocated to a base station is to a cycle allocated to any base station adjacent to it, but is offset in time from it. In an analogous art, Conner discloses wherein a cycle allocated to a base station is to a cycle allocated to any base station adjacent to it, but is offset in time from it (Fig. 1 shows sectors 112a, 114c, 116c, 118b, 120a, 122a and 124c are assigned to time group T1, sectors 112b, 114a, 116a, 118c, 120b, 122b and 124a are assigned to time group T2 and sectors 112c, 114b, 116b, 118a, 120c, 122c and 124b are assigned to time group T3 whereas time groups T1, T2 and T3 are offset in time (Fig. 3A, 3B and 3C); Conner, Col. 4, lines 9 – 30 and Col. 5, lines 21 – 62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Conner to the system of Cedervall in order to provide an apparatus and method which controls the timing of control bursts in a wireless communication network by time-base mapping control bursts on a

multiframe so that each MS can efficiently increase the number of opportunities to receive control data from a plurality of network BTSs transmitting on different frequency channels.

Regarding claim 5, Cedervall in view of Conner as applied above discloses that each cycle comprises, in addition to at least one telecommunication signals transmission period (Cedervall, Col. 5, lines 38 – 50) and at least one period of silence (Cedervall, Col. 6, lines 44 – 67 and Conner, Col. 4, lines 9 – 30 and Col. 5, lines 21 – 62), a period of transmitting specific location signals (Cedervall, Col. 5, line 59 through Col. 6, line 4).

Regarding claim 9, Cedervall in view of Conner as applied above discloses that each base station in the network, in order to be controlled, receives two items of information: on the one hand an item of information representing the scheme of the cycle allocated to it and on the other hand an item of information representing the offset in time of its cycle with respect to a reference (BTS receives control signal and each BTS processes the control signal through logical multiframe generating unit that is connected to a traffic/control scheduler; Conner, Col. 4, lines 31 – 60).

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 16, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 20, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 23, Cedervall in view of Conner as applied above discloses a base station controller configured to execute the method as received in any one of claims 1 – 11 (each BTS 110-1, ..., 110-7 is connected to a BTS controller (not shown) which manages the wireless network; Conner, Col. 3, lines 47 – 63).

Regarding claim 24, the claim is interpreted and rejected for the same reason as set forth in claim 23.

Allowable Subject Matter

4. Claims 2 – 4, 6 – 8, 10, 11, 13 – 15, 17 – 19, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Please see previous office action mailed on 6/22/2005.

Conclusion

Art Unit: 2687

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho
Examiner
Art Unit 2687

2/17/06 *de*

George Eng.
GEORGE ENG
SUPERVISORY PATENT EXAMINER